

STATE BOARD OF ELECTIONS

Regular Meeting
Monday, May 20, 2019

MINUTES

PRESENT:

William J. Cadigan, Chairman
John R. Keith, Vice Chairman
Andrew K. Carruthers, Member
Ian K. Linnabary, Member
William M. McGuffage, Member
Katherine S. O'Brien, Member
Charles W. Scholz, Member
Casandra B. Watson, Member

ALSO PRESENT:

Steven S. Sandvoss, Executive Director
Bernadette Matthews, Asst. Exec. Director
Kenneth R. Menzel, General Counsel
Amy L. Calvin, Administrative Assistant III

The meeting convened at 10:30 a.m. via videoconference with the Chicago office. Chairman Cadigan, Vice Chairman Keith and Members Carruthers, Linnabary and Scholz were present in Springfield. Members McGuffage and O'Brien were present in Chicago. Member Watson was present via teleconference and Member McGuffage held her proxy.

Chairman Cadigan opened the meeting by leading everyone in the pledge of allegiance.

Member Carruthers moved to approve the April 16 amended minutes as presented. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented and reviewed a motion for reconsideration for agenda item 2.a.1:

- 1) *SBE v. Local 705 Teamsters Political Action Committee B, 21038*, 18AS025. Mr. Menzel recommended the motion be granted. Alex Tillett-Saks was present on behalf of the committee and said the actual check was reported on time but the date on the check was a clerical error. He also agreed to grant the appeal contingent on the amended report filed within thirty days. Vice Chairman Keith moved to grant the motion for reconsideration, and pursuant to stipulation, grant the appeal, provided the amended report is filed within thirty days. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented and reviewed the settlement offers for agenda item 2.a.2-5:

- 2) *SBE v. Brian Gustafson for Coroner, 21070*, 18AS026. Mr. Menzel recommended acceptance of the settlement offer because it met the Board's settlement policy as a small dollar committee. Vice Chairman Keith moved to accept the settlement offer, seconded by Member Linnabary and passed by roll call vote of 8-0.
- 3) *SBE v. Friends of Alyson Feiger, 25131*, 17JQ085. Mr. Menzel recommended acceptance of the settlement offer because it met the Board's settlement policy. Vice Chairman Keith moved to accept the settlement offer, seconded by Member Carruthers and passed by roll call vote of 8-0.
- 4) *SBE v. Barb City Action Committee, 32247* 18SQ097. Mr. Menzel recommended denial of the settlement offer because it did not qualify under the Board's settlement policy. Member Linnabary moved to deny the settlement offer, seconded by Member O'Brien and passed by roll call vote of 8-0.

- 5) *SBE v. Marko for Illinois*, 34225. Mr. Menzel recommended acceptance of the settlement offer because it met the Board's settlement policy as a small dollar committee. Marko Sukovic was present on behalf of the committee and concurred with the recommendation. He stated that he understood that the committee would need to be re-opened in order to pay the \$50 fine. Member Scholz moved to accept the settlement offer, seconded by Member Linnabary and passed by roll call vote of 8-0.

Mr. Menzel presented the following appeals of campaign disclosure fines where he concurred with the hearing officer recommendation to grant the appeals for agenda item 2.a.6-7:

- 6) *SBE v. Suburban Action Project*, 32282, 18SQ099;

- 7) *SBE v. Hazel Crest United Party*, 32642, 18JQ142.

Member Scholz moved to grant the appeals, seconded by Member Linnabary and passed by roll call vote of 8-0.

Mr. Menzel presented the following appeals of campaign disclosure fines where he concurred with the hearing officer recommendation to grant the appeal and file amended report for agenda item 2.a.9:

- 9) *SBE v. Citizens for Susanne Groebner*, 34003, 18AM118.

Member Scholz moved to grant the appeal and order the committee to file the amended report, seconded by Vice Chairman Keith and passed by roll call vote of 8-0.

Mr. Menzel presented the following appeals of campaign disclosure fines where he concurred with the hearing officer recommendation to grant the appeals and file amended reports for agenda item 2.a.8 & 10:

- 8) *SBE v. Friends of Max Solomon, Inc.*, 25411, 18MA050;

- 10) *SBE v. Friends of Ken Idstein*, 34143, 18AJ060.

Member Linnabary moved to grant the appeals and order the committees to file the amended reports, seconded by Member Scholz and passed by roll call vote of 8-0.

Mr. Menzel presented the following appeals of campaign disclosure fines where he concurred with the hearing officer recommendation to deny the appeals for agenda item 2.a.11-14:

- 11) *SBE v. Illinois Chapter National Electrical Contractors Assn. PAC*, 14874, 18AS016;

- 12) *SBE v. Friends of Dart*, 19319, 18AS020;

- 13) *SBE v. Mike Kozel Campaign Fund*, 25278, 18SQ060;

- 14) *SBE v. Citizens to Elect Jill Rose Quinn*, 34132, 18SQ124.

Member Linnabary moved to deny the appeals, seconded by Member Carruthers and passed by roll call vote of 8-0.

The next item on the agenda was consideration of the "Epstein Rule" included on page 65 of the board packet. Mr. Menzel explained that the "Rule" referred to a situation where a committee assessed for multiple A-1 violations is allowed to have the penalty stayed as a first violation, provided all of the contributions in question were part of the same deposit. He reviewed Mr. Newman's methodology proposal outlined in the memo and suggested it be re-named as the "Single Deposit Rule." Mr. Newman stated that if the proposal is approved, his staff would implement it with the next round of assessments and he would periodically update the board on any feedback received. Vice Chairman Keith moved to approve the Single Deposit Rule as presented and provide updates to the board on the effectiveness of its implementation. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented a memo regarding random audits of political committees and explained that the selection was carried out on May 1 at a 1.5% rate. Vice Chairman Keith moved to approve the 1.5% selection rate and its implementation by Mr. Newman's staff for the current year. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented a listing of civil penalty assessments necessitating a final board order. Vice Chairman Keith moved to assess the civil penalties against the committees listed on page 67 of the board packet. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

A listing of payment of civil penalties was presented for informational purposes

Vice Chairman Keith moved to recess to executive session to consider complaints following closed preliminary hearing. Member Linnabary seconded the motion, which passed by roll call vote of 8-0. The meeting recessed at 11:00 a.m. and reconvened at 11:30 a.m. with the same attendance noted in the initial roll call.

As to agenda item 2.a.19) *St. Clair Republication Central Committee v. Citizens for Richard "Rick" Watson*, 18CD090, Vice Chairman Keith moved to adopt the recommendation of the General Counsel and dismiss the complaint for want of prosecution without prejudice. Member Linnabary seconded the motion, which passed by roll call vote of 7-0. Member Carruthers recused himself from the matter.

As to agenda item 2.a.20) *Bork v. Friends of Milly Santiago*, 19CD011, Member Carruthers moved to find that the complaint was filed on justifiable grounds, however, no further action beyond referral to staff for imposition of a civil penalty.

As to agenda items 2.a. 21) *McQuillan v. GEA aka Geneva Education Association*, 19CD018, 23) *Roberts v. Lake County Committee for Education and Common Sense*, 19CD022 and 24) *Trout v. Friends of Frank Lesko*, 19CD024, Member Carruthers moved to dismiss the complaints for want of prosecution. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

Agenda item 2.a.22) *Benford v. Mayer*, 19CD020 was continued to a future board meeting date.

Executive Director Sandvoss began his report with an update on the Advisory Committee meeting held just prior to the board meeting. He said turnout was low but a good meeting all together. Topic discussed include tabulation system support, cyber navigator program, voter participation project and AVR and legislative updates. The next meeting is scheduled for September 16, 2019.

Angela Ryan, Director of Legislation, said she was contacted by Senator Durbin to discuss the HAVA funding and concerns of the standards of new voting equipment. Ms. Ryan also noted that there was a possibility of an elections omnibus bill, however, she had not seen any drafts at this point. She also discussed the legislation regarding small dollar committees concerning the audits and the FOIA bill as well. Vice Chairman Keith noted that when the omnibus bill hits that there might be things Ms. Ryan will need to recommend. He asked the board to consider giving the Chairman and Vice Chairman the authority to give Ms. Ryan that direction without the necessity of a formal meeting. Member Scholz agreed and made the motion, seconded by Member Linnabary and passed by roll call vote of 8-0.

Mr. Sandvoss presented the Cyber Navigator Program update that was included on pages 84-85 of the packet. He noted that Cook County was recently approved for additional HAVA funding.

The request for Voting System Approval, ES&S EVS 5.5.0.2 Modification will be considered at a future board meeting because it was not quite ready for board action.

The report of voter registration activity for the month of April was presented for informational purposes and included on pages 87-91 of the board packet. Mr. Thomas explained that once the

new SBE website is operational, these monthly figures will be available on the website dating back for several years.

For the board's information, Mr. Sandvoss presented the staff reports of out of state conferences on pages 92-114 of the meeting packet. Chairman Cadigan and Vice Chairman Keith thanked staff for attending the conferences and submitting informative reports.

The required six-month review of the executive session minutes was presented. Mr. Sandvoss reported that he and Mr. Menzel reviewed the minutes and determined the necessity of confidentiality does not exist as to the release of such minutes for the period of October 16, 2018 through April 1, 2019. Member Scholz moved to accept the recommendation of the General Counsel and remove the need for confidentiality from the minutes noted above. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

Mr. Sandvoss presented a revised FY20 Board Meeting Schedule and said it was necessary to change the August meeting to the 21st due the unavailability of meeting room space and video equipment. Mr. Sandvoss also recommended changing the July 1 meeting location back to Springfield as it has historically been conducted in the principle office and for the benefit of the new members. Member Scholz moved to approve the meeting schedule as presented with Mr. Sandvoss' recommendation, seconded by Member Linnabary and passed by roll call vote of 8-0.

The JRTC update and fiscal status reports were presented for informational purposes. Mr. Sandvoss said he would provide the board periodic updates on the sale of the JRTC as needed.

Matt Dietrich, Public Information Officer, gave a visual presentation of the newly redesigned SBE website. He highlighted the new features, search functions and page layouts of the site and explained how it will be more user friendly to its visitors. The new website will launch on June 3 to the public and a press release introducing the site will also be distributed.

With there being no further business before the Board, Member Scholz moved to adjourn until Tuesday, June 18, 2019 in Chicago. Member Linnabary seconded the motion, which passed unanimously. The meeting adjourned at 12:15 p.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant III



Steven S. Sandvoss, Executive Director